

TITLE 4. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) proposes to repeal and adopt regulations contained in Title 4, Division 9, Chapter 1, Article 2.2. The technology for watthour meters has evolved to include electronic watthour meters. The existing watthour meter code does not recognize electronic watthour meters and will be repealed. The new code sections will address the specific differences between mechanical and electronic watthour meters and ensure existing installation standards and tariff rules are followed before a submeter can be placed into commercial use. The installation and tariff rules have been adopted by the California Public Utilities Commission (CPUC), the regulated serving utilities, and municipal utility districts to ensure safe installation of meters and ensure that regulated utility rates and billing requirements are followed by submeter system owners.

The Legislature has charged the Department with the responsibility of supervising weights and measures activities within California (Business and Professions Code, Division 5, Section 12100). The Secretary of the Department of Food and Agriculture is granted the authority to adopt such regulations as are reasonably necessary to carry out the provisions of the Business and Professions Code, Division 5, Section 12027. Section 12107 gives the Secretary the authority to establish tolerances and specifications for commercial weighing and measuring devices not included in the National Institute of Standards and Technology Handbook 44.

Requirements for watthour meters are not included in Handbook 44. Tolerances, specifications, and other requirements for mechanical watthour meters have previously been established in the California Code of Regulations, Title 4, Division 9, Chapter 1, Article 2.2., "Electric Watt-Hour Meters". Mechanical watthour meters have been used for measuring electricity since the early 1900s. Watthour meters are used in submeter applications in apartment complexes, marinas, mobile home communities, and other applications throughout California. The existing watthour meter code does not address specific differences between mechanical and electronic watthour meters.

Existing user requirements do not have provisions to address numerous existing or future unsafe installations of meters and exposes regulatory officials and the public to hazards where there are no remediation requirements, enforcement provisions, or enforcement agencies. California's building codes currently exempt serving utilities from installation requirements and specifications and have not separately adopted requirements and specifications for privately owned submeter installations. The Department lacks authority and expertise to develop comprehensive building code standards. In CPUC Decision D 05-05-026 the Commission recognized this dilemma and required that any new installations

conform to utility company standards (Pacific Gas and Electric Company Greenbook Section 8). The proposed regulation includes certification requirements that are intended to limit commercial use of additional inaccessible or unsafe installations of watthour submeters.

The Article will address the Applications, Definitions, Specifications, Notes, Tolerances, and User Requirements necessary for meter manufacturers, installers, users, weights and measures officials and the California Type Evaluation Program (CTEP) for mechanical and electronic watthour meters.

A public hearing is not currently scheduled. However, any interested person or duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be scheduled.

Following the public hearing, if one is requested, or following the written comment period, if no public hearing is requested, the Department of Food and Agriculture, upon its own motion or at the instance of any interested person, may thereafter adopt the proposal substantially as set forth without further notice.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Food and Agriculture, Division of Measurement Standards, 6790 Florin Perkins Road, Suite 100, Sacramento, CA 95828-1812. Comments may also be submitted by facsimile (FAX) at (916) 229-3026 or by e-mail at DMS@cdfa.ca.gov. Comments must be submitted prior to 5:00 p.m. on July 7, 2008.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Food and Agriculture proposes to repeal Article 2.2, Electric Watt-Hour Meters and adopt a new Article 2.2, Electric Watthour Meters to recognize electronic watthour meters and include mechanical watthour meters with appropriate tolerances and specifications based on:

California Code of Regulations, Title 4, Division 9, Chapter 1, Article 2.2.
Electric Watt-Hour Meters

American National Standard for Electric Meters, Code for Electricity
Metering, ANSI C12.1-2001

American National Standard for Watthour Meters, ANSI C12.10-1997

National Electrical Manufacturers Association, NEMA EI 21.1-1993

Handbook for Electricity Metering, ninth edition

California Public Utilities Commission Decision D 05-05-026

California Public Utilities Code Sections 739.5 and 12821.5

National Institute of Standards and Technology Handbook 44

SECTION 4027. A. APPLICATION.

This section is to specify that this code applies to the newer technology electronic watthour meters as well as to conventional mechanical type watthour meters. Specific section numbers are added to clarify the reference to General Code requirements. Additionally, clarification is provided to indicate when requirements apply only to electronic or mechanical watthour meters.

SECTION 4027.1. DEFINITIONS OF TERMS.

This section defines terms used in Article 2.2 that have special meaning as used in this code section. The definitions are necessary to provide officials, manufacturers, installers, users, and service agents with clear meanings of the terms that are used to describe specifications, testing procedures, tolerances, and user requirements.

SECTION 4027.2. S. SPECIFICATIONS.

This section is necessary to make clear and specific the specification requirements for meter manufacturers, service agents, and installers of electronic and mechanical watthour meters.

This section incorporates parts of the specification requirements existing in the current California Code of Regulations, Title 4, Division 9, Chapter 1, Article 2.2 Electric Watt-Hour Meters; the American National Standard Code for Electricity Metering, ANSI C12.1-2001 edition; American National Standard for Electricity Metering, ANSI C12.10-1997 edition for watthour meters; National Electrical Manufacturers Association, NEMA EI 21.1-1993 edition; and Handbook for Electricity Metering, ninth edition.

SECTION 4027.3. N. NOTES.

This section incorporates the testing notes existing in the current California Code of Regulations, Title 4, Division 9, Chapter 1, Article 2.2; the American National Standard Code for Electricity Metering, ANSI C12.1-2001 edition; American National Standard for Electricity Metering, ANSI C12.10-1997 edition for watthour meters; National Electrical Manufacturers Association, NEMA EI 21.1-1993 edition; and Handbook for Electricity Metering, ninth edition. This section also defines, explains, and makes specific procedures applicable to meter tests. By

defining tests and explaining the conditions of the test, manufacturers, service agents and officials can duplicate the testing for compliance requirements.

SECTION 4027.4. T. TOLERANCES.

This section incorporates the tolerance requirements existing in the current California Code of Regulations, Title 4, Division 9, Chapter 1, Article 2.2 Electric Watt-Hour Meters; the American National Standard Code for Electricity Metering, ANSI C12.1-2001 edition; and the American Standard for Electricity Metering, ANSI C12.10-1997 edition for watthour meters. It states the limits of inaccuracy permitted before the meter is required to be removed from service due to inaccuracies.

SECTION 4027.5. UR. USER REQUIREMENTS.

This section incorporates user requirements found in existing California Code of Regulations, Title 4, Division 9, Chapter 1, Article 2.2 Electric Watt-Hour Meters; the American National Standard Code for Electricity Metering ANSI C12.1-2001 edition; American National Standard for Electricity Metering, ANSI C12.10-1997 edition for watthour meters.

This section also incorporates certification requirements for new submeter installations to ensure submeters are safely installed, that the property can be legally submetered, and that the submeter system owner follows applicable tariff rules of the serving utility as approved by the California Public Utilities Commission.

These requirements provide for safe and accurate metering installations for installers, users, the public, and officials and ensure tenants are only charged at legal rates.

AUTHORITY AND REFERENCE

Pursuant to the authorization in Business and Professions Code Sections 12027 and 12107, the Department proposes regulations to implement, interpret, and make specific, the requirements of Section 12107

LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

FISCAL IMPACT ESTIMATES

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary costs or savings on local agencies. This proposal does not result in any cost or savings in federal funding.

COST OR SAVINGS TO STATE AGENCIES

No additional costs or savings to state agencies are anticipated.

BUSINESS IMPACT / SMALL BUSINESS

The Department has made an initial determination that the proposed regulatory action will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This proposal does not affect small businesses as defined by section 11342.610. The determination that the proposal would not affect small business is based upon the fact that this regulation does not place new requirements or restrictions on business. It has not impact at all on any entity that is not a state agency as defined in section 11000 of the California Government Code.

ASSESSMENT REGARDING EFFECT ON JOBS / BUSINESS

The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON HOUSEING COSTS: None.

ALTERNATIVES:

The Department must determine that no reasonable alternative considered would be more effective in carrying out the purpose for which the adoption of this regulation is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSONS

Inquires concerning the proposed adoption of this regulation and written comments may be directed to Roger Macey, Branch Chief, Division of Measurement Standards at (916) 229-3043 or rmacey@cdfa.ca.gov. The back-up contact person is Ken Lake, Supervising Special Investigator, Division of Measurement Standards at (916) 229-3047 or klake@cdfa.ca.gov.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an initial statement of reasons for the proposed action, has available all the information upon which the proposal is based, and has available the express terms of the proposed action. A copy of the statement of reasons, and the proposed regulations in strikeout and underline form may be obtained upon request. The rulemaking file, and all information on which the proposal is based, is located at the Division of Measurement Standards, 6790 Florin Perkins Road, Suite 100, Sacramento, CA 95828-1812, and may be obtained upon request. Additionally, all documents relating to this rulemaking file may be obtained from the Department's web site located at www.cdfa.ca.gov/dms.

Following the written comment period, the Department will adopt the proposal substantially as set forth above without further notice. If the regulations adopted by the Department differ from but is sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any interested person may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein.

A Final Statement of Reasons, when available, may be obtained by contacting Roger Macey, Branch Chief, Division of Measurement Standards, at (916) 229-3043.

WEBSITE ACCESS

Materials regarding this proposal can be found at: www.cdfa.ca.gov/dms

DEPARTMENT OF FOOD AND AGRICULTURE

5/13/08

Date

Original signed by

George Gomes, Undersecretary